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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Stipulated Order Approving Withdrawal  
Of Proofs Of Claim Filed By Arthur Kriss**

The Stipulated Motion for Approval of Compromise Settlement of Claims [DE \_\_\_\_]  
("Stipulated Motion") to settle the proofs of claim filed by Arthur Kriss [Proof of Claim  
Nos. 10725-01874, 01875, 01876, and 01877] came before the Court for consideration.  
No notice being necessary and good cause appearing,

**IT IS ORDERED:**

- that the Stipulated Motion is GRANTED;
- The Proofs of Claim filed by Arthur Kriss are resolved as follows:
  - Proof of Claim No. 10725-01874 in the amount of \$50,000 will be allowed  
in full as a general unsecured claim;

- 1           ▪ Proof of Claim No. 10725-01875 in the amount of \$120,000 will be allowed
- 2           as a general unsecured claim in the amount of \$18,000 (15% of the total
- 3           claim amount). The balance of Proof of Claim No. 10725-01875 (\$102,000)
- 4           will be disallowed;
- 5           ▪ Proof of Claim No. 10725-01876 in the amount of \$50,000 will be allowed
- 6           as a general unsecured claim in the amount of \$7,500 (15% of the total claim
- 7           amount). The balance of Proof of Claim No. 10725-01876 (\$42,500) will be
- 8           disallowed;
- 9           ▪ Proof of Claim No. 10725-01877 in the amount of \$24,483.61 will be
- 10          allowed as a general unsecured claim in the amount of \$3,672.54 (15% of the
- 11          total claim amount). The balance of Proof of Claim No. 10725-01877
- 12          (\$20,811.07) will be disallowed;
- 13          ▪ Based upon the portions of Proof of Claim Nos. 10725-01874, 01875, 01876
- 14          and 01877 allowed as general unsecured claims (\$79,172.54), the Trust will
- 15          make an immediate 4.92% distribution (\$3,895.29) to Kriss as his pro rata
- 16          share of the funds reserved by the Trust from the initial creditor distribution.
- 17          All other funds reserved for the Kriss Claims will be released from the
- 18          Disputed Claims Reserve and made available to the Trust for whatever
- 19          purpose is appropriate in the administration of the Trust.
- 20          ▪ Kriss will share in future distributions pro rata based upon the amounts of his
- 21          allowed claims, listed in paragraph 4 above.
- 22          ▪ The relevant omnibus objections [DE Nos. 8892, 8322, 8253 and 8655], as
- 23          they relate to the Kriss Claims only, shall be deemed withdrawn as moot.
- 24          ▪ Each party shall bear their own costs and attorneys' fees.
- 25          ▪ The Kriss Motion for Default Judgment [DE 9540] and Motion for
- 26          Summary Judgment on Proof of Claim 10725-01876 [DE 9012] shall be
- deemed withdrawn, no further hearings on these motions will be conducted
- and all remaining calendared court dates related to them shall be vacated.

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2 APPROVED AS TO FORM AND CONTENT:

3  
4 /s/ Arthur Kriss

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6 PREPARED AND RESPECTFULLY SUBMITTED BY:

7 **LEWIS AND ROCA LLP**

8  
9 By /s/ John Hinderaker (AZ 018024)

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